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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/582,701	06/13/2006	Nico Centofante	WUE-62	6562
7590 Thomas J Burger Wood Herron & Evans 2700 Carew Tower 441 Vine Street Cincinnati, OH 45202-2917			EXAMINER CIRIC, LJILJANA V	
			ART UNIT 3785	PAPER NUMBER
			MAIL DATE 03/11/2011	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/582,701

Applicant(s)

CENTOFANTE ET AL.

Examiner

Ljiljana (Lil) V. Ciric

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– The MAILING DATE of this communication appears on the cover sheet with the correspondence address –
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 October 2010 and 22 December 2010.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 22, 23, 27, 29-31, 33-37 and 39-42 is/are pending in the application.
- 4a) Of the above claim(s) none is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 22, 23, 27, 29-31, 33-37 and 39-42 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 December 2010 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☒ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO 692)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 10/15/2010

- 4) ☐ Interview Summary (PTC 449)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Response to Amendment

1. This Office action is in response to the replies filed on October 20, 2010 and on December 22, 2010.
2. Claims 22, 23, 27, 29 through 31, 33 through 37, and 39 through 42 remain in the application, all as amended.
3. The amendments filed on October 20, 2010 and on December 22, 2010 are objected to under 35 U.S.C. 132(a) because they introduce new matter into the disclosure. 35 U.S.C. 132(a) states that no amendment shall introduce new matter into the disclosure of the invention. The added material which is not supported by the original disclosure is as follows, for example: a valve arrangement that operates to control a flow rate of a supply of heated air delivered to a particular first through fourth temperature area of the aircraft cabin based solely upon a corresponding first through fourth specified temperature of that particular first through fourth temperature area.

Applicant is required to cancel the new matter in the reply to this Office Action.

Response to Arguments

4. In view of the aforementioned amendments to the claims, applicant's arguments, filed on October 20, 2010 and on December 22, 2010, with respect to the previously cited rejection of the claims under 35 U.S.C. 102(b) has been fully considered and are persuasive. Therefore, the aforementioned previously cited prior art rejection has been withdrawn.

However, upon further consideration as necessitated by the aforementioned amendments, new grounds of rejection under 35 U.S.C. 112, first and second paragraphs, are applied against the claims as noted in greater detail below.

Furthermore, applicant's arguments filed on October 20, 2010 and on December 22, 2010 with regard to the allowability of the claims have been fully considered but they are not persuasive because

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these arguments generally rely on newly recited limitations which constitute new matter (as explained in greater detail below) for allowability. And, claims reciting impermissible new matter are not in condition for allowance as argued by applicant.

Election/Restrictions

5. Applicant has cancelled previously withdrawn claims 24, 25, and 32 drawn to the nonelected first through third species, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on April 26, 2010.

Oath/Declaration

6. This application presents a claim for subject matter not originally claimed or embraced in the statement of the invention. The newly claimed subject matter includes, but is not limited to, the following, for example: the first supply control arrangement including a valve arrangement operating to control a flow rate of heated air in an air duct based solely on a specified first temperature for the first temperature area; a first pressure control arrangement controlling a pressure of heated air in the air duct based on a detected pressure in the air duct and the specified first temperature, wherein the first pressure control arrangement only operates to control the supply of heated air when the valve arrangement of the first supply control arrangement is not functional; the valve arrangement of the first supply control arrangement operating to control a flow rate of heated air in the air duct based into a second temperature area based solely on a specified second temperature for the second temperature area; the first pressure control arrangement controlling a pressure of heated air in the air duct based on the detected pressure in the air duct and the specified second temperature; a/the controller (instead of the originally claimed operating status detecting arrangement) connected to the first supply control arrangement for detecting a non-functional operating status of the valve arrangement; a pressure detecting arrangement disposed in the air duct (instead of in the corresponding supply control arrangement as originally claimed); a shut-off arrangement operating to prevent airflow in an upstream direction from the first temperature area to the

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first source (instead of to the corresponding pressure control arrangement as originally claimed); controlling a supply of heated air from a first source of heated air through the air duct and into a first temperature area of the aircraft cabin with a valve arrangement operating to control a flow rate of heated air into the first temperature area based solely on a specified first temperature for the first temperature area; controlling the supply of heated air from the first source into the first temperature area based on a detected pressure of the heated air in the air duct and the specified first temperature when the valve arrangement is not functional; controlling a supply of heated air from the first source of heated air through the air duct and into a second temperature area of the aircraft cabin with a valve arrangement operating to control a flow rate of heated air into the second temperature area based solely on a specified second temperature for the second temperature area; controlling the supply of heated air from a second source through the air duct based on a detected pressure in the air duct and the specified second temperature, when the valve arrangement is not functional; controlling a supply of heated air from the first source of heated air through the air duct and into a third temperature area of the aircraft cabin with a valve arrangement operating to control a flow rate of heated air into the third temperature area based solely on a specified third temperature for the third temperature area; controlling the supply of heated air from the second source through the air duct based on a detected pressure in the air duct and the specified third temperature, when the valve arrangement is not functional; controlling a supply of heated air from the second source of heated air through the air duct and into a fourth temperature area of the aircraft cabin with a valve arrangement operating to control a flow rate of heated air into the fourth temperature area based solely on a specified fourth temperature for the fourth temperature area; controlling the supply of heated air from the second source through the air duct based on a detected pressure in the air duct and the specified fourth temperature, when the valve arrangement is not functional; monitoring the valve arrangement with a controller configured to detect a non-functional valve arrangement; and, detecting the pressure in the air duct. A supplemental oath or declaration is required under 37 CFR 1.67. The new oath

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or declaration must properly identify the application of which it is to form a part, preferably by application number and filing date in the body of the oath or declaration. See MPEP §§ 602.01 and 602.02.

Drawings

7. The replacement drawings were received on December 22, 2010. These drawings are hereby approved.

Specification

8. Receipt and entry of the amended abstract filed on October 20, 2010 is hereby acknowledged.

9. The amended abstract filed on October 20, 2010 is objected hereby because it introduces new matter into the disclosure. In particular, the amended abstract now specifies, for example, a valve arrangement that operates to control a flow rate of a supply of heated air delivered to a first temperature area of the aircraft cabin based solely upon a corresponding first specified temperature of the first temperature area.

Claim Rejections - 35 USC § 112

10. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

11. Claims 22, 23, 27, 29 through 31, 33 through 37, and 39 through 42 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claims as amended contain subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventors, at the time the application was filed, had possession of the claimed invention.

For example, the claims now recite a valve arrangement that operates to control a flow rate of a supply of heated air delivered to a particular first through fourth temperature area of the aircraft cabin

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based solely upon a corresponding first through fourth specified temperature of that particular first through fourth temperature area. However, nowhere in the originally filed disclosure is there any support for the control of the flow rate of heated air to a specified temperature area as being solely dependent on a specified temperature of a corresponding specified temperature area of the aircraft cabin.

Additionally, the claims now also recite, for example, a controller connected to the first supply arrangement for detecting a non-functional operating status of the valve arrangement and a corresponding method step of monitoring the valve arrangement with a controller configured to detect a non-functional valve-arrangement. However, the originally filed disclosure fails to describe or provide support for such a controller and for such a monitoring step. The originally filed disclosure merely provides support for an operating status detecting arrangement associated with a supply control arrangement for detecting a current operating status of the corresponding supply control arrangement and a corresponding step of monitoring the air supply control in order to detect a malfunctioning air supply control. The originally filed disclosure also fails to equate the originally claimed operating status detecting arrangement with the previously disclosed controller.

Thus, the newly claimed subject matter constitutes new matter unsupported by the original disclosure.

12. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

13. Claims 22, 23, 27, 29 through 31, and 33 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The term "proximate" in base claim 22 is a relative term which renders the claim (and all claims depending therefrom) indefinite. The term "proximate" is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not

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be reasonably apprised of the scope of the invention. Thus, as used to qualify the location of the valve arrangement relative to the air outlet, this term renders the location indeterminate and the claims indefinite.

Allowable Subject Matter

14. Claims 22, 23, 27, 29 through 31, 33 through 37, and 39 through 42 would be allowable if rewritten or amended without any broadening to overcome the rejections under 35 U.S.C. 112, 1st and 2nd paragraphs, as set forth in this Office action.

Conclusion

15. The additional prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

16. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

17. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ljiljana (Lil) V. Ciric whose telephone number is 571-272-4909. The examiner works a flexible schedule, but can normally be reached weekdays between 10:30 a.m. and 6:30 p.m.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Judy J. Swann can be reached on 571-272-7075. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system.

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Status information for unpublished applications is available through Private PAIR only.

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/Ljiljana (Lil) V. Ciric/

Primary Examiner, Art Unit 3785